THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 839 of 1998

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Date: 20.07.2005

Between:

P. Ratnam

..... PETITIONER

AND

1. The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad.

..... RESPONDENT &

others

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.No.839 of 1998

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of respondents 1 to 4 in not considering the petitioner for the post of Deputy Executive Engineer (Civil) in spite of he being senior to respondents 5 to 31 and in spite of the fact that the petitioner is fully eligible and suitable for being promoted to the post of Deputy Executive Engineer (Civil) as arbitrary, illegal and consequently direct the respondents 1 and 2 to promote the petitioner to the post of Deputy Executive Engineer (Civil).

It is the case of the petitioner that he is senior to respondents 5 to 31. Petitioner complains that his case was not considered for promotion to the post of Deputy Executive Engineer, whereas the case of respondents 5 to 31 was considered. Though he made several representations, nothing has been done. Hence, he filed the present writ petition.

A detailed counter-affidavit has been filed by respondents 1 and 2 denying the allegations made by the petitioner. Further, it is asserted that the post of Deputy Executive Engineer is a selection post as per the resolution passed by the Board on 17.8.1977. Therefore, the promotion of a candidate to the post of Deputy Executive Engineer is not automatic by virtue of seniority and unless and until the duly constituted Selection Committee recommends the name of a candidate, he will not be promoted. The petitioner was not promoted as Deputy Executive Engineer as his record was not satisfactory. Apart from this, several writ petitions are filed before this

Court challenging the promotion of certain employees who were promoted and whose cases were rejected on par with the petitioner. After finalization of the Court cases, the seniority list of Assistant Engineers was published on 12.4.1996. However, the said seniority list was also challenged before this Court. Therefore, the post of Deputy Executive Engineer was filled up on temporary basis under Regulation 30 of Recruitment Regulations.

I have given my earnest consideration to the respective submissions made by the learned Counsel on either side and perused the material made available on record.

At the outset, I am of the opinion that the petitioner was also subjected to departmental selection committee along with others and since his case was not recommended, the petitioner was not appointed and it is not a case of promotion by seniority. Admittedly, promotion to the post of Deputy Executive Engineer (Civil) is on selection basis. The case of the petitioner was considered and not recommended. Therefore, no grievance can be made by the petitioner for selecting respondents 5 to 31. Be that as it may, during the pendency of the writ petition, petitioner was promoted on 13.10.1999 and thereafter on attaining the age of superannuation, he retired from service on 30.4.2005.

In view of the above, nothing remains to be adjudicated in the writ petition. The writ petition is accordingly dismissed. No costs.

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C.V. RAMULU,J

DATE: 20th July, 2005

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